

June 11, 2008

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 11, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY SCHEIBLE

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the June 11,
2008 meeting of the New Windsor Planning Board. Please
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: I want to first off welcome Howard Brown

back, it's good to have you, Howard, we're very, very happy you're back, I think I speak for everybody here tonight and tonight's my anniversary so we're going to hopefully move right along so I can see my wife tonight, 14 years of bliss.

APPROVAL_OF_MINUTES_DATED_MARCH_26,_2008_&_APRIL_23,_

2008

MR. ARGENIO: First thing we're going to talk about is approval of the minutes dated March 26, 2008 and April 23, 2008. They have been distributed, yes, Myra?

MS. MASON: Yes.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion's been made and seconded that we accept those minutes and approve them as written. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW

HUDSON_VIEW_MOBILE_HOME_PARK

MR. ARGENIO: Hudson View Mobile Home Park represented by Toback. Is Mr. or Mrs. Toback here? Please come forward, ma'am. Michael, has somebody from your office been out there to take a look around?

MR. BABCOCK: Yes, they have, Mr. Chairman, everything's fine there.

MR. ARGENIO: Everything's fine. Ma'am, do you have with you a check that you're prepared to make out for the benefit of the Town of New Windsor for \$135?

MS. TOBACK: Yes.

MR. ARGENIO: Motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer a one year extension to the permit to operate for the Hudson View Mobile home Park. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PARADISE_MOBILE_HOME_PARK

MR. ARGENIO: Second mobile home park is Paradise Mobile Home Park represented by Mannix. Michael, has somebody from your office been down to see Mr. Mannix's mobile home park?

MR. BABCOCK: Yes, we have, everything is fine there.

MR. ARGENIO: Mr. Mannix, do you have a check that you have written out \$190 to the Town of New Windsor?

MR. MANNIX: Yes.

MR. ARGENIO: I'll accept a motion that we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer one year extension to the Paradise Mobile Home Park for Mr. Mannix. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_HEARINGS:

SILVER_STREAM_HOME_OFFICE/CARETAKER_APT._SPECIAL_PERMIT

&_SITE_PLAN_(07-10)

MR. ARGENIO: This is the Clark Mobile Home Park.

Mr. John Queenan and Ms. Clark appeared before the board for this proposal.

MR. ARGENIO: Sorry about the loss of your dad. This application proposes conversion of the single family residence to an office with caretaker apartment. The plan was previously reviewed at the 25th April, 2007 planning board meeting. The applicant is before this board tonight for a public hearing. Sir, what's your name? John Queenan from Lanc & Tully Engineering.

MR. ARGENIO: Would you tell us briefly what you're going to do here. As I remember this is a pretty simple application. There's some discussion about a sewer line last time and some other things, so give us a brief snapshot of what you're doing then I'd like to open it up to the public and then we'll receive comment and then we'll look at it again guys.

MR. QUEENAN: Basically what we're doing is we're taking an existing dwelling, we're going just in front of the mobile home park and they would like to convert it into an office use with the caretaker's apartment, the office use will be located here in the building for the mobile home park's maintenance, mobile home parks caretaker and his apartment would be the rest of the building, we have done a little site plan that shows the parking and landscaping and additional sidewalks to accommodate the zoning throughout the site and that's basically what we're here for site plan and special use permit. We were last here in April of '07 and at that time, the plan had proposed a sewer relocation of the existing sewer line that runs through an existing

easement on this side of the house. Since that time, we were supposed to return back to the board for the public hearing in June of '07 but you had requested design information and basically the installation of the sewer main as part of this application. Since that time, the applicant has informed me they have worked out some sort of agreement with the Town Board and the town attorney to not have to install the sewer line as part of the application but simply to place a note on the plan if the sewer line ever needs maintenance or to be repaired, any damage incurred on the property would be the sole cost of the property owner. We are back here tonight with the sewer being resolved for site plan and special use.

MR. ARGENIO: That's the case, the sewer thing has gone away?

MR. BABCOCK: Yeah, the sewer relocation we have a sewer line through there, we do not have an easement for it, we're asking them to give us the easement if the sewer line needs repair at such time we'll take care of it.

MR. VAN LEEUWEN: No big deal.

MR. BABCOCK: No.

MR. VAN LEEUWEN: Benefits the town.

MR. ARGENIO: If I remember--

MR. VAN LEEUWEN: The town has sewer line with no easements?

MR. BABCOCK: That's correct.

MR. ARGENIO: If I remember correctly, the sewer was the biggest issue with this application. Guys, take a look at the plan, refresh yourselves. I'd like to open

it up for the public hearing, we'll hear from anybody who cares to speak and then we'll close the public hearing. On the 23 day of May, 2008, Myra prepared 15 addressed envelopes containing notice of public hearing for this application, received addresses from the assessor's office and sent the notice out. If there's anybody here who would like to speak for or against or just comment upon this application, please raise your hand, be recognized by the Chair, come forward and you'll be afforded an opportunity to speak. Anybody want to speak on this application?

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion to close the public.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to go through a couple procedural things I'd like to hit on and if anybody has any questions on this just chime in when I catch my breath here.

MR. VAN LEEUWEN: Don't been too longwinded.

MR. ARGENIO: No, I won't be. I just want to read for the benefit of the minutes a couple of things and

Mark's item 3 his third bullet it says it is noted that Bivona Lane is an existing private road, the existing business sign for that site is currently located off of your property, the board should determine if relocation onto the property is required. Do you know the sign, can you tell me if the sign, what's this sign?

MR. QUEENAN: It's a sign that identifies the house and the mobile home park, welcome to the Silver Stream Mobile Home Park, the caretaker's residence and manager's office located here.

MR. VAN LEEUWEN: Was that sign in front of the house?

MR. QUEENAN: Yeah, that sign is located right here, it's about five feet off the property line.

MR. BABCOCK: Can you move that back on your own property?

MR. QUEENAN: I can't really say right now, I don't know how it's in the ground, basically, we can try to take a look at that, I don't know how it's anchored.

MS. CLARK: I'm not sure, I'm sure that, we could if we need to.

MR. BABCOCK: We can't approve a sign on somebody else's property.

MR. VAN LEEUWEN: Who owns Bivona Lane?

MR. QUEENAN: Silver Stream.

MR. BABCOCK: Still not the same property, not the same property.

MR. QUEENAN: It's a different tax parcel.

MR. ARGENIO: Let me tell you where I'm going with this

is the next comment is that there are some plantings that are off of the property line and I'm going to poll the board as far as the plantings go I certainly don't have any issue with it. I will poll the board see if they do. As far as the sign goes, it's difficult to have a physical structure shown on the plans we approved this with it and have us approve the plan with the physical structure actually shown on a different parcel, that's difficult. The plantings are what they are, as long as they don't present a sight distance issue. So I'll start to my left, Danny, do you have any thoughts on what I just touched on?

MR. GALLAGHER: I think you hit right on with the sign, there's no problems with the shrubs.

MR. BROWN: If it's not a big deal to move the sign back onto the property or take it off.

MR. ARGENIO: We really can't dance in that gray area, it's got to be moved and it should be moved, we can't approve something with other stuff shown on other people's properties.

MR. SCHLESINGER: Yes.

MR. VAN LEEUWEN: I don't see any problems with the shrubs or the sign.

MR. ARGENIO: I think what we should do is--

MR. VAN LEEUWEN: They're both owned by the same people.

MR. ARGENIO: Two different lots though, Henry, is the problem.

MR. VAN LEEUWEN: Well, it's still owned by the same people. What's the difference?

MR. BABCOCK: Well, to solve the plan if we put the note on the plan sign to be relocated we'll work that out with the building department.

MR. QUEENAN: If it's in concrete, it's been there for some time now.

MR. ARGENIO: Perfect, that's resolved.

MR. QUEENAN: We can put a note on it.

MR. VAN LEEUWEN: Making mountains out of molehills.

MR. ARGENIO: No, we do need to follow the law and the standard that we set, Henry, we do need to do that, that's important. If anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for the Silver Stream Mobile Home Park.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I want to read these comments into the minutes. This is from the County of Orange, Miss Clark, just to explain to you your property is located within 500 feet of Route 207, state law mandates that we sent send it to the county for their review as well.

And I'm going to read these comments into the minutes. This site is within the watershed of Brown's Pond which is a water supply development occurring within the watershed, should take all necessary measures to preserve the integrity of the reservoir. The County of Orange requests that in future maps contour lines be shown for this project. Having no further comments the County recommends that the planning board proceed with their review process.

MR. VAN LEEUWEN: Brown's Pond is about 6 miles away.

MR. BABCOCK: The little stream that's next to this property actually winds up going into the same stream that goes into the lake so that's what they're concerned about it.

MR. ARGENIO: As I said, if anybody has anything they want to say please speak up. It was pretty simple as I recall, the only real issue was the sewer line and then either relocating it or coming to an arrangement with the town or some such thing. Anybody have anything here? I will read Mark's comment number 7, the planning board should require that a bond estimate be submitted for the key site improvements of this site plan in accordance with Chapter 137 of the Town Code.

MR. VAN LEEUWEN: If you saw that house before Lester bought it which is about four or five years ago it was a shack.

MR. ARGENIO: Well, I'm not really--

MR. BABCOCK: We're looking at the plan, Mr. Chairman, not knowing that what's done on the site and what's not done out there I do know because I've been there myself as Henry has.

MR. ARGENIO: But the rest of us don't know but there are a bunch of site improvements that need to be

accomplished, they're going to get with Mark and come up with a bond amount. Dominic or Mark, am I missing anything procedurally here?

MR. EDSALL: Procedurally, you're in good shape, you may want to for the record acknowledge your consideration of the special permit issues under number 5 which I believe are in the resolution that you will be adopting.

MR. ARGENIO: In the special permit resolution the following verbiage that all proposed structures, equipment or materials are readily accessible for fire and police protection, that the proposed use and layout are in harmony--do the other members agree with that?

MR. SCHLESINGER: Yes.

MR. BROWN: Yes.

MR. VAN LEEUWEN: Probably.

MR. ARGENIO: I'd agree with that as well. As such, if anybody sees fit.

MR. EDSALL: Mr. Chairman, if you're adopting a resolution I'm sure the standard will include just a couple of the plan corrections that are on the notes I gave John.

MR. ARGENIO: I was going to read the subject-tos.

MR. EDSALL: Refer to the comments sheet.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval to the Silver Stream Mobile Home

June 11, 2008

13

Park on Bivona Lane subject to things we discussed here tonight and note that would be included on the plan and the comments that are included in Mark's final planning board review comments. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

MICHAEL_LUCAS_SUBDIVISION_(07-11)

MR. ARGENIO: Regular items, Michael Lucas subdivision. Next is the infamous Mr. Lucas.

Mr. Michael Lucas appeared before the board for this proposal.

MR. ARGENIO: The application proposes a minor subdivision of a 1.4 acre parcel into two single family residential lots. The application was previously reviewed at the 28 March, 2007 and 24 October, 2007 planning board meetings. Mr. Lucas is here for approval. Mike Lucas, please tell us the changes that were made from the plans from last time until now.

MR. LUCAS: Well, the original set of plans submitted was what you guys had approved. After we were done, I looked at the property, said it would be nice if I can enter the property from on top of Lucas Drive, that's what this is on here, no relation to me, but it's on top, thought just have a small driveway, too steep with the topography so I went back to the original set of plans and that's really all, that's really all it was.

MR. ARGENIO: This was really simple, you had to go to the Zoning Board as I remember?

MR. LUCAS: Yeah, we got approval then we came here and basically got approval from the first set of plans but then I decided, I thought I might want to change it after you guys, after it was reviewed again, we wanted to keep it, the location of the driveway in its original position so--

MR. ARGENIO: Do we have highway on this, fire approval and highway approval? If anybody sees fit, motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec on Lucas minor subdivision. No further discussion, roll call.

MR. SCHLESINGER: I'm going to remove myself from voting, I have a business relationship with Mr. Lucas.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have a response back from planning, Myra sent it to planning, their response is local determination. Mike, there's talk of this guardrail up on the top of the hill and you bonding it, what are you going to do about that guardrail?

MR. LUCAS: Doesn't come into play because the house--

MR. ARGENIO: What does that mean?

MR. LUCAS: Even though they brought it down to the property if I was going to put an entrance up to there now it's in a location the house isn't anywhere near that and there's no roads or paths going out to it.

MR. ARGENIO: Mark, it's shown on the plan, why is it shown on the plan?

MR. EDSALL: I think Mr. Fayo was concerned about protecting the residents from wayward vehicles.

MR. ARGENIO: The problem is I can see Anthony's logic, you had an open lot back there, now you have a house back there with children potentially people playing basketball doing stuff, I think what he's looking for is an extension of the guardrail for public safety.

MR. LUCAS: Well, I talked to Anthony about it, what was it two or three times really bad storms, what had happened in the last four or five years in really bad ice storms not in that particular location but when you go up that road slants towards my property and trucks have slid down in it but it's not, I mean, it's, there's an old gutter there and where the guardrail is that's really not where they have a problem, it's the lower area. So I told Anthony you can do whatever he wants, he wants to set up, I was going to build a stone wall there but if he decides to put a guardrail, I have no objection to that.

MR. ARGENIO: Anthony has approved it Michael with your engineer on your behalf showing you installing a guardrail along that road the, that's what's here, that's what's in front of this board right now with Anthony's approval over here.

MR. LUCAS: I didn't see it.

MR. ARGENIO: Look, don't talk, look.

MR. LUCAS: He put it there.

MR. EDSALL: You're absolutely correct that Mr. Fayo is looking to make this lot protected as part of the development have them provide the protection. Now I don't know whether or not Mr. Fayo would accept a decorative stone wall along the property line in lieu of the guardrail and I would think I'd leave that to Mr. Fayo.

MR. LUCAS: But he put a guardrail, I didn't, this is

the area of concern.

MR. EDSALL: There's an existing guardrail and then there's a--

MR. ARGENIO: I can tell you this, Mike, and you've heard this cause you were on this board for a long time, you sat near me on this board, it shows a proposed guardrail over here, it says approved this plan with the proposed guardrail, if Anthony Fayo says you have to put a guardrail in, you put a guardrail in or you don't get approval.

MR. LUCAS: That's fine but there's one there.

MR. ARGENIO: And that's fine, I'm okay with that.

MR. VAN LEEUWEN: What shows here existing guardrail and here it's down to here proposed.

MR. LUCAS: He just put it in last year because of the plan he put this guardrail in and there's a like a bulkhead.

MR. ARGENIO: Here's what we're going to do, Mark, hear me on this, Michael, hear me on this, here's what I'd like to do on this unless of course somebody else has a different issue, obviously, relative to this guardrail thing if there's a little bit of confusion on the plan and the guardrail is in there and we have a typo here well then there's no issue. But Anthony Fayo needs to be content that that's a safe situation alongside his roadway and if in fact Mike that guardrail is not in and Mr. Fayo requires you to put it in you have to put it in for this final approval to be valid.

MR. LUCAS: That's fine.

MR. ARGENIO: That's what it will be subject to, I don't doubt you Mike up along that piece of property

it's kind of a long run and sometimes distances can be deceiving, if Anthony's okay with it, we're okay with it. But I'm telling you what I see here is a, if you're telling me between the time this was drafted and now somebody else put a piece of guardrail and Anthony's okay, I believe this board can be okay.

MR. LUCAS: What I'd like to see it's not on there but this is really where the trucks always slide down this area here.

MR. ARGENIO: Why don't you put some guardrail here too, Mike, that would be perfect, this is a good idea. Have I been sufficiently clear with that, Dominic?

MR. CORDISCO: Yes.

MR. ARGENIO: Anybody have anything else on this? I'll accept a motion.

MR. BROWN: I'll make a motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Lucas minor subdivision subject to the discussion or the oration that I just put in the minutes as it relates to that piece of guardrail on Lucas Drive. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	ABSTAIN
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Get that squared away with Anthony.
What's the mechanics with verifying this with Anthony?

MR. BABCOCK: He's going to have to say it's okay.

MR. ARGENIO: Mike, we need a letter in this file in Myra's office with Anthony saying it's okay the way it is. So call Anthony tomorrow and say look, here's what happened at the planning board, everybody's okay but for this one issue and this is what I need can you please help me.

MR. LUCAS: You want some photos?

MR. BABCOCK: We don't want nothing, you should meet with Anthony with a plan, get him to see it.

MR. ARGENIO: If you have any problem tell him call me or Michael or Mark and I'll explain, we'll explain to him what it is and get it done.

MR. LUCAS: Okay, thanks everyone, good night.

UNITARIAN_UNIVERSALIST_CONGREGATION_AT_ROCK_TAVERN_SITE

PLAN_(08-02)

Mr. Troy Wojciekofsky appeared before the board for this proposal.

MR. ARGENIO: Unitarian Universalist Congregation. For the benefit of the public, this is the church that burnt a year ago or so something like that, go out 207 passed mine and Neil's house maybe another mile it's on the left side. This application proposes construction of a 6,551 square foot church building to replace the 2,750 square foot building. The plan was reviewed on a concept basis only. I see you have a fine engineer in your employ, Mr. Wojciekofsky, what have you to say to us tonight?

MR. WOJCIEKOSFKY: The congregation has been busy, they have been worshipping in temporary facilities off-site. The congregation has been working through insurance situation also trying to secure the right architect for this project, this is a sensitive project and select the perfect engineer which I think they have succeeded there so I think we're going to keep this brief and try to cut through.

MR. VAN LEEUWEN: Are you doing this pro bono?

MR. WOJCIEKOFISKY: I can't disclose the terms at this point, I come pretty cheap though. So we'll just run through the site plan pretty quick. In a nutshell, we're trying to rebuild and minimize the improvements and the disturbance, the congregation believes and their approach to this project is a minimalist approach with environmentally friendly features to the building itself as well as to the site is basically what you see here is the proposed building itself in the same location as the building that was lost so it's approximately twice as big as the previous congregation hall but to be honest--

MR. ARGENIO: How many feet is the building?

MR. WOJCIEKOWSKY: It's 6,000.

MR. ARGENIO: Does that include chapel area, all areas, is it two stories or one story?

MR. WOJCIEKOWSKY: It's one story, in fact, the elevations that I handed out you can see pretty clearly there's a partial basement.

MR. ARGENIO: Looks like it's two stories on the one end.

MR. WOJCIEKOWSKY: Yeah, the sanctuary portion here I think has a peak of about 30 feet, you know, it's just a lofty ceiling.

MR. ARGENIO: Is that square footage of the sanctuary area included in the 6,551?

MR. WOJCIEKOWSKY: Yes, it's the entire building.

MR. EDSALL: Is the basement area in the 6,000?

MR. WOJCIEKOWSKY: I don't think the basement is within the 6,000 square feet, it's a partial basement.

MR. EDSALL: For storage only?

MR. WOJCIEKOWSKY: Correct.

MR. ARGENIO: Maybe I misunderstood, I thought that the basement area shown in the elevation you're referring to as the sanctuary?

MR. WOJCIEKOWSKY: No.

MR. ARGENIO: Where is the sanctuary?

MR. WOJCIEKOFISKY: Sanctuary has 150 seats so it's the large structure on the end.

MR. ARGENIO: So the only area that's two stories is the basement area, you have a basement and first story, I'm sorry, not two stories.

MR. WOJCIEKOFISKY: But the sanctuary is the highest point of the building.

MR. ARGENIO: Vaulted ceiling.

MR. WOJCIEKOFISKY: Right, so the sanctuary is in this location here. So again it's about twice as large as the previous facilities but just looking at photos they really were outdated facilities, and this is to accommodate a modest lot to rebuild as is quite an effort and the congregation really wants and anticipates a modest growth in members.

MR. VAN LEEUWEN: What's the building going to be, brick?

MR. WOJCIEKOFISKY: I think the elevation is cultured stone over a portion of it including the sanctuary as well as I think a shake kind of look for the rest of it so it's really going to be a pretty sharp looking building and the architects out of New Paltz really excel at these kind of buildings, really have a special touch as far as the look of it.

MR. ARGENIO: This is going to have to go to the Department of Health because of the SDS and the increase in size of the SDS?

MR. EDSALL: That's one of the comments I have to work out with Troy the calculation of the average daily flow which is the trigger of who does the review but one of my comments is that we need to talk about that so we

can have the plan relate to the design flow so we know who has to approve it.

MR. ARGENIO: If any of the other members have any questions please chime in. I have nothing else to address. Troy, do you have Mark's comments?

MR. WOJCIEKOFISKY: I just received them.

MR. ARGENIO: His comment number 2 contains eight bullets or thereabouts, I'm not going to get into them, because they're kind of the, they're not clean-up items, I was going to ask you about the dumpster, one of those items is the dumpster, the other waste collection area proposed, somebody on this board will ask that, you're talking about post-construction?

MR. WOJCIEKOFISKY: We had a dumpster on the lot for refuge and garbage disposal. We'll show that on the plan.

MR. VAN LEEUWEN: Is it going to be enclosed?

MR. WOJCIEKOFISKY: Yeah, we'll enclose it.

MR. ARGENIO: Troy, I want you to think about something else a little bit, we have been being working throughout the town in the past months or so with different pilot projects with solar lighting and I think we have two projects out there now the town has done a lot of research and spent a lot of money and time researching these standards, Michael Babcock is going to start using solar lights in some of the facilities that he manages around the town, he has or he is going to start. I hope at some point in time in the near future what we're trying to do is we're trying to for a litany of global reasons and I mean that in a small sense and broad sense trying to encourage the use of solar lighting around town. We're not forcing anybody to do it but we have three pilot projects, two

pilot projects around town, it would be great if you guys would consider this.

MR. WOJCIEKOFISKY: Solar lighting of the building or the site lighting?

MR. ARGENIO: Of the exterior of the building and the exterior site lighting and you don't have to do any research, if you call Mike or Mark somebody on that side of the room has information from the vendor that we have done all the research on and if you tell him what kind of numbers you're looking to hit he will shoot you a catalogue cut, it's really a no-brainer for you, you don't have to do any leg work. And the applicant will not have to pay for anymore than they would have had to pay otherwise, matter of fact, probably less because the town has paid to do the work, you give him the lumens you're looking for.

MR. WOJCIEKOFISKY: Sure, we're really looking for low level lighting here so I'm sure we can work with that.

MR. ARGENIO: I don't know if you have tree issues, solar sunlight passing issue, you may or may not, I don't know, but if you have a question as to whether or not you do, Troy, you can get the number for this fellow that we have been talking to.

MR. WOJCIEKOFISKY: He's local?

MR. BABCOCK: Yes.

MR. ARGENIO: Yeah, he's local so you would consider that?

MR. WOJCIEKOFISKY: Sure.

MR. VAN LEEUWEN: Definitely save you money in the end.

MR. ARGENIO: All of those message boards alongside the

highway they're all solar powered, no more diesel powered boards, they have 30 batteries in them so now we have led that we can dispose of, that's all nice, but they're solar power. Do we have anything else Mark is there anything I'm missing here?

MR. EDSALL: No, I have a number of initial comments for them to think about, I think the biggest issue that I need to get moving is the sanitary design. We've got an answer on the floor areas and I'd like to get this off to the Orange County Department of Planning since it's within 500 foot of Route 207.

MR. ARGENIO: Can we do that? We probably can.

MR. EDSALL: Yeah, we can.

MR. ARGENIO: Because it's a relatively straightforward, Troy, you're going to have to do a SWPPP, your area of disturbance is what?

MR. WOJCIEKOFISKY: Less than an acre.

MR. ARGENIO: It is, that's good.

MR. WOJCIEKOFISKY: Actually the parking area here is just a little bit of an expansion.

MR. VAN LEEUWEN: This is a nice building.

MR. EDSALL: You've got to be careful on disturbance, just doublecheck with what DEC's definition of disturbance is, if it's under an acre put such a notation on the plan, but if you're paving over existing parking and not changing the grade, they won't consider it disturbance. If you're striping the existing paving, refinishing regrading even though it was existing parking it's still disturbance.

MR. ARGENIO: How can you pave over and not change the

grade?

MR. EDSALL: If the grade is still valid they can T and L it.

MR. ARGENIO: And it will be an inch higher when you're done, depends on who paves it.

MR. CORDISCO: They don't consider that to be disturbance.

MR. ARGENIO: If you're removing the pavement and reconstructing it it's disturbance.

MR. CORDISCO: And the new general permit which came out just about a month or so ago actually has new and updated definitions and criteria regarding that.

MR. ARGENIO: Ex-DEC guy.

MR. CORDISCO: But they've been scrubbing me clean for a long time.

MR. ARGENIO: Does anybody else, Danny or any of the members have any comments on this? Troy, do you have anything else for us? You have direction, I think, don't you?

MR. WOJCIEKOFISKY: Yeah, I feel good about it.

MR. BABCOCK: What about a public hearing, if you want to discuss that tonight or you want to wait on that or what?

MR. WOJCIEKOFISKY: Well, we'd like the public input as soon as possible.

MR. ARGENIO: I do believe that with the proximity of those lots, well, let's back up for a second.

MR. BABCOCK: It's always been a church.

MR. ARGENIO: It's always been a church, it's going to continue to be a church, are you increasing the parking?

MR. WOJCIEKOFISKY: Minimally.

MR. ARGENIO: I've got to tell you, I'm going to poll the board but there's 1, 2, 3, 4 people there, I'm sure they expect it to be rebuilt as a church, you're right on top of them.

REVEREND BRIDGES: We have kept them informed as we go.

MR. VAN LEEUWEN: It's an improved plan.

MR. ARGENIO: What do you guys think?

MR. SCHLESINGER: Replacing it with the same.

MR. ARGENIO: Okay, I agree with that. Danny, what do you think?

MR. GALLAGHER: I don't think so.

MR. ARGENIO: Talking about whether or not we're going to have a need for a public hearing for this applicant.

MR. GALLAGHER: The only thing that would come into play is the size of the building is actually what, more than double in size?

MR. ARGENIO: Keep in mind it's not going to affect the applicant's timeline given so much as we're going to have to be talking about the Department of Health and the sanitary disposal facilities. Howard, any thoughts?

MR. BROWN: I don't think a public hearing is

necessary, it's just a replacement of the building in the same location nicer than it was.

MR. VAN LEEUWEN: Guys, it's a big improvement.

MR. ARGENIO: Okay, I'm going to go around here formally then, need for a public hearing? What's your thought, what's your vote?

MR. SCHLESINGER: What are we doing, doubling the size of the building?

MR. BABCOCK: Yes.

MR. SCHLESINGER: Doubling the size of the building, more congregants obviously.

MR. WOJCIEKOWSKY: It's not being built because there's been an influx.

MR. SCHLESINGER: Any changes on the landscaping?

MR. WOJCIEKOWSKY: No, it's minimalist because it's in the middle of woods, we tried to put everything in the existing clearing.

MR. SCHLESINGER: No landscaping?

MR. WOJCIEKOWSKY: Building line we're not going any closer to the neighbor over here.

MR. SCHLESINGER: Where is there another neighbor?

MR. WOJCIEKOWSKY: The building here. It's actually the aerial that I passed out shows the building so you can kind of gauge we're putting the building in the same spot.

MR. VAN LEEUWEN: Guys, it's in the middle of nowhere really, that's the way you should look at it because

when you're up on top of the hill because I tried to buy that lot to build a house on it for myself, it's a beautiful piece of land, it's high, it's away from everybody.

MR. WOJCIEKOFISKY: It's really secluded.

MR. ARGENIO: How do we feel about this?

MR. SCHLESINGER: No.

MR. BROWN: No.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: I don't see a use for that for a public hearing.

MR. ARGENIO: Well, my vote for the public hearing is yes but I'm shot down and the reason I say yes, sir, because it will not affect the applicant's timeline at all in any, way, shape or form, cost a couple of nickels and we'll get all the input from anybody else, correct any problems that may have been out there in the past so they don't go on in the future. But this is a board and I am not the dictator, I am one vote in a field of five so motion that we waive the public hearing. Do we need to formalize that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: Motion that we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	NO

MR. ARGENIO: Thank you. When you're ready to come back in the public.

MR. WOJCIEKOFISKY: Declare lead agency?

MR. ARGENIO: I don't think so, no way, you've got to get moving along a little bit, that's not going to hold you up either, that's not going to hold you up, I promise you that, I don't see any huge issues. You've been here before, you have a feel for what we look at that sort of thing, okay.

MR. EDSALL: Mr. Chairman, could we get authorization to circulate lead agency letter so we find out if there are other agency approvals needed?

MR. CORDISCO: It wouldn't be necessary if there's no other agencies that are involved but depending on again if you want to circulate lead agency coordination letter.

MR. EDSALL: Only if we find out we have our approval agencies after we look at the sanitary capacity.

MR. ARGENIO: I say yes, that's not a big deal.

MR. EDSALL: As long as you tell us it's okay.

MR. ARGENIO: Yes, absolutely okay. Troy, thank you.

MR. WOJCIEKOFISKY: Thank you.

LEGACY_WOODS_-_KNOX_VILLAGE_SENIOR_PROJECT_(08-01)

Michele Babcock, Esq. appeared before the board for this proposal.

MR. ARGENIO: Legacy Woods, Knox Village. This application proposes development of the 14.21 acre parcel with 183 senior housing multi-family residential units. The site also includes 3,200 square foot clubhouse building and other site improvements. The plan was previously reviewed at the 16 January, 2008 and 26 March, 2008 planning board meetings. I see Miss Babcock is here to represent this and some of her associates.

MS. BABCOCK: My name is Michele Babcock from Jacobowitz & Gubits. Since our last appearance, we have revised the plans to address your comments as well as to prepare a storm water management plan but tonight we're here to request that the board set a public hearing on the site plan application. I'm going to turn it over to Perry Morgan, the project architect, so he can review the specific plan revisions.

MR. MORGAN: Perry Mogan, I'm a partner with JLM Design Group and we did the planning an architecture of this project. First order is providing a plan that would show the relationship with Chestnut Woods. We have that in a variety of different scales, both in aerial form like this and also in CAD form. As you can see in terms of the relationship with the buildings they would be in proximity to ours. The next order the clubhouse area we increased the parking before I believe had 16 spaces and we upped that to 22 spaces which also includes two handicapped spaces. With the buildings what we tried to do was keep in character with the surroundings and potentially put in loft space that would slightly increase the recreation area. We have 460 square feet of recreation area per building and in

addition to that we have, we could have up to 4,100 square feet within the clubhouse area.

MR. ARGENIO: How many?

MR. MORGAN: Forty-one hundred, we have 3,200, 183.

MR. VAN LEEUWEN: How many acres?

MR. MORGAN: It's 14.7.

MR. VAN LEEUWEN: Fourteen acres, 183 units?

MR. MORGAN: Yes.

MR. ARGENIO: Go ahead.

MR. MORGAN: In terms of the dumpster detailing what we did is again we took a look at the Patriot Ridge job and we tried to replicate that and but in doing so tried to do so that would take the details out of the architecture in terms of the elevation and also the detailing of the clubhouse included that in both the bus stop area and the bus stop shelter as well as the enclosure, the enclosure has a roof with a fire retardant material and as well as 6 x 6 graded area to allow for ample air flow through with a base that would be of stick-on stone. In terms of the engineering comments we addressed every one of the comments that we were asked to do so and Paul the engineer would be able to address those. In terms of the lighting, we revisited the lighting plan and we're interested as well in pursuing the opportunity for the solar lights.

MR. ARGENIO: That's one of the things I was going to ask you to do.

MR. MORGAN: Yes, we think it's a good idea, we'll pursue that.

MR. ARGENIO: Mark, have they addressed the comments sufficiently the comments that we had made on it?

MR. EDSALL: Yes, I don't know if I was inattentive but would you pull out the plan that showed the adjoining project, I think that was one of the--

MR. MORGAN: Yes, we have a variety of the different scales, this is it on the aerial.

MR. EDSALL: As long as the board can--

MR. MORGAN: We also have it.

MR. EDSALL: This was one of your concerns, Mr. Chairman.

MR. ARGENIO: That's a question and we talked about this today or yesterday at some point in time we couldn't get that, now we can get it, do you recall that?

MS. BABCOCK: Yes. Working with our engineer, they were able to superimpose it on there. The key to this is that last time this was a requirement because we needed a side yard waiver, however, the plans have been revised now so we meet that side yard setback.

MR. ARGENIO: We asked for it, we'd like to see it.

MS. BABCOCK: And here it is, you asked for it and you got it.

MR. EDSALL: So they have provided that as indicated there are a number of minor plan corrections, some that are just addressing suggestions we made, I think that there obviously we need to check those before the day of the public hearing but I think they have been very responsive and I personally believe they'll been in appropriate shape for a public hearing at the time.

MR. ARGENIO: Now that black and white on the bottom of the page that's the Chestnut Woods in Cornwall?

MR. MORGAN: Yes.

MR. ARGENIO: So where he should get this drawing to the Cornwall folks it would seem to me prevent them from having to ask us for the drawing.

MR. VAN LEEUWEN: Right.

MR. ARGENIO: Can we do that? Who does that? Do you do that, Michele?

MS. BABCOCK: We can if you'd like.

MR. EDSALL: If you can provide a copy even 11 x 17 color versions of it I'll pass it on on behalf of the New Windsor Planning Board just so that they'll have a, same relative understanding that you're working with--

MR. ARGENIO: Michele, send them a note, it says that the Town of New Windsor Planning Board has requested that we forward this to you so it's planned correctly or something like that.

MR. MORGAN: We'll get it to you tomorrow.

MR. EDSALL: Chestnut Woods is extremely close to their final approval so if anything it's just letting the Cornwall board know how all these projects fall together.

MR. VAN LEEUWEN: It's an awful lot of units on a little piece of land.

MR. ARGENIO: I believe this is the right spot for this, I believe it's the right spot, I do, it's close to Vails Gate another community feels the same way,

it's right next door, I believe it's a good spot. In any event they have made the corrections that they have been asked to make, they're here this evening for us to schedule a public hearing. Anybody have any other thoughts on this before we move this thing forward? Neil, see the nice tennis courts over there in the front? You and Glenna can move there 30 years from now, obviously, 40 years from now. I'll accept a motion that we schedule a public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board authorize a public hearing for this application. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else?

MS. BABCOCK: The only thing we'd ask is that if not already done so that this be referred to the Orange County Department of Planning for comment.

MR. ARGENIO: Have you done that?

MS. MASON: I don't think so.

MR. ARGENIO: I believe it's fit to do that at this point.

MS. MASON: Okay.

MR. CORDISCO: That's correct, the plans seem to be complete, application is complete, it's ready to go.

MR. EDSALL: Should we wait till we have the plans that are being revised based on my comments or send them now?

MR. ARGENIO: I would send them now.

MS. BABCOCK: We'd submit revised plans based on your comments directly to your office.

MR. EDSALL: You've got a set to Myra, all right, I will endeavor to have that looked at quickly, maybe we can send them on it.

MR. ARGENIO: Thank you.

DISCUSSION

NEW_WINDSOR_SENIOR_HOUSING

MR. CORDISCO: We have one item, we have a request from Pietrzak and Pfau regarding the New Windsor Senior Housing project. This is the Mandelbaum project. This is requesting six month extension of their conditional site plan approval, although that's not actually the language they use. But in any event the New Windsor Code provides for 360 days for site plan approvals in terms of satisfying conditions and getting site plan that's been stamped. I went back and I took a look at the original resolution and the resolution granted them a six month approval.

MR. EDSALL: Actually, it's 180 days, it mirrors the subdivision regulations.

MR. CORDISCO: Correct, so they're timely in asking for an additional 180 days.

MR. ARGENIO: That's very unusual not for--

MR. EDSALL: The subdivision law which is a state law and the town's site plan approval law are written the same so that candidly I even forget what it is, that's why I ask that it be written the same way, it's 180 days with two 90 day extensions relative to final approvals, this predated when we gave the two 90s so what they're entitled to are the two 90s.

MR. CORDISCO: That's really what you would be considering tonight there's no reason not to grant it but the only thing that is very important to emphasize and that should be passed back onto that is that this is it, the two 90s, in other words, another 180 days is all that they have under the towns law to satisfy those conditions that are outlined in the resolution and I calculated the date based on when the approval was

originally granted total of 360 days will expire on Monday, January 12 of 2009.

MR. VAN LEEUWEN: What they're waiting for is I know exactly what's going on here cause basically was my idea, it's been my idea for many years, what's holding it up is the fire department they wanted 30 foot lane all the way around the property and they can't give it.

MR. ARGENIO: Okay, it's been approved if anybody sees fit that we should offer the two 90 day extensions.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer the two 90 day extensions for the Mandelbaum Senior Housing Project in Vails Gate, when you offer him that letter Mark or Dominic whoever writes that letter advise him that it's, this is it, only two 90 day extensions.

MR. CORDISCO: I will do that.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: I have something else on this project that was just here years ago the owner of that property stuck the Town of New Windsor with a road that they wouldn't do because they didn't have any lots on either side to sell so I made a suggestion that for every bond we double it because that's what he said to us, let the bonding company do it. We got ahold of Ben Blumenfeld

and Ben come in here and he says I'll have it done in two weeks and that man is deceased and I'll tell you something it was done in two weeks. I'm sure Mike remembers it.

MR. BABCOCK: Yes.

MR. VAN LEEUWEN: We'e got to watch this guy very closely.

MR. CORDISCO: Understood.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

